REMARKS

Claims 6-22 and 28-44 are pending in the application with Claims 6, 12, 28 and 34 as independent claims. Claims 1-5 and 23-27 are cancelled without prejudice.

In the Office Action the Examiner objected to the drawings because in FIG. 7A, the box above box S701 contains a non-English word. Claims 1-3, and 23-25 are rejected under 35 U.S.C. §103(a) as being unpatentable over admitted prior art (APA) in view of Cai (CN1362803). Claims 4-5 and 26-27 are rejected under 35 U.S.C. §103(a) as being unpatentable over APA in view of Cai and further in view of Vollmer et al. (Non-Patent Literature/Comparative Study of Joint-Detection techniques for TD-CDMA Based Mobile Radio Systems). Claims 6, 7, 12, 13, 18, 20-22, 28-29, 31-35 and 40 are rejected under 35 U.S.C. §103(a) as being unpatentable over APA in view of Cai and further in view of Vollmer. Claims 8-11, 14-17, 19, 30, 36-39 and 41-44 are rejected under 35 U.S.C. §103(a) as being unpatentable over APA in view of Cai and further in view of Vollmer.

Reconsideration of this Application is respectfully requested.

Under the heading "Priority" the Examiner noted that a certified copy of the 54062/2002 Application has not been filed. Applicants respectfully submit that a certified copy was filed on October 27, 2003. Acknowledgement of said document is respectfully requested.

Regarding the objection to the drawing, a corrected FIG. 7A labeled "Replacement Sheet" is submitted herewith. Withdrawal of the objection is respectfully requested.

Regarding the rejection of independent Claim 6, the Examiner states that *APA* discloses, "performing repetition of all channelization codes created from different bursts until a length of individual channelization code blocks is equal to a predetermined value." After reviewing *APA*, Applicants respectfully disagree.

More particularly, to support his rejection, the Examiner states that *APA* (in paragraphs 81 at

lines 6-10) discloses the above recitation. However, with reference to the cited passages, *APA* recites "The channels can be estimated by convolution between the channel codes c(1,q)(304), c(2,q)(305), and c(k,q)(306) and radio channel impulse responses of individual channel codes, and the convolution result denoted by {b.sup.(k)} 310, 311, and 312 can be represented by the following Equation 1. The above repeated signals are multiplied by the combined impulse responses {b.sup.(k)} 310, 311, and 312 obtained by convolution between the channelization codes {c (k, q)} 304, 305, and 306 corresponding to the above spreading factors and the radio channel impulse responses {h (k, w)} 307, 308, and 309, respectively." As can be seen, APA does not recite the above limitation. Second, the Examiner truncated the limitation. The full limitation is "performing repetition of all channelization codes created from different bursts until a length of individual channelization code blocks is equal one of a maximum spreading factor and a predetermined value, and creating channelization code blocks having the same lengths." The underlined phrases were not addressed. Based on the above, the Examiner fails to make a prima facie case of obviousness. Accordingly, withdrawal of the rejection is respectfully requested.

Moreover, the Examiner acknowledges that neither the prior art, Cai nor Vollmer discloses "partitioning the channelization code blocks having same lengths into at least one sub-block in order to create channelization code blocks constructed in terms of minimum spreading factors of individual spreading factor sets." The Examiner simply states that the above undisclosed limitation is obvious. This rejection is based on "hindsight" and does not provide any rational basis in support of such a conclusory statement. The Examiner fails to explain why an artisan of ordinary skill in the art would be motivated to perform said modifications. The Examiner's conclusory statement is unaccompanied by evidence or reasoning and is entirely inadequate to support the rejection. In formulating a rejection under 35 U.S.C. §103 (a) based upon a combination of prior art elements, it remains necessary to identify why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed. (.See Memorandum of Deputy Commissioner for Patent Operations, May 3, 2007). Based on the above, the Examiner fails to make a prima facie case of obviousness. Accordingly, withdrawal of the rejection is respectfully requested.

Regarding the rejection of independent Claim 12, the Examiner alleges that Claim 12 is rejected for the same reason as Claim 6. Therefore, the same arguments articulated above also apply to Claim 12 where appropriate. Furthermore, although Claim 12 includes similar recitations as those contained in Claim 6, nevertheless the two claims are different. For example, Claim 12 recites "e) arranging the sub-block matrices to be downshifted by an integer times a predetermined factor, and constructing a joint detection system matrix" whereas Claim 6 does not. However, in the Office Action the Examiner treated Claims 6 and 12 as if the two claims were duplicates and only addressed the limitations of Claim 6; therefore the limitations of Claim 12 that are different from Claim 6 have not been addressed. A new non-Final Action distinctly addressing each and every claim limitation is respectfully requested.

Regarding the rejection of independent Claim 28, the Examiner states that *APA* discloses, "performing repetition of all channelization codes created from different bursts until a length of individual channelization code blocks is equal to a predetermined value." However, the full limitation reads "a joint detection unit for a) performing repetition of all channelization codes created from different bursts until a length of individual channelization code blocks is equal to a maximum spreading factor Q_{max} or a predetermined value." The underlined phrases were not addressed. Moreover, the Examiner acknowledges that neither the prior art, Cai nor Vollmer discloses "partitioning the channelization code blocks having same lengths into at least one sub-block in order to create channelization code blocks constructed in terms of minimum spreading factors of individual spreading factor sets." The Examiner simply states that the above undisclosed limitation is obvious. This rejection is based on "hindsight" and does not provide any rational basis in support of such conclusory statement. Accordingly, withdrawal of the rejection is respectfully requested.

Regarding the rejection of independent Claim 34, the Examiner alleges that Claim 34 is rejected for the same reason as Claim 28. Therefore, the same arguments articulated above also apply to Claim 34 where appropriate. Furthermore, although Claim 34 includes similar recitations as those contained in Claim 28 nevertheless the two claims are different. For example, Claim 34 recites "e) arranging the sub-block matrices to be downshifted by an integer times a predetermined factor, and constructing a joint detection system matrix" whereas Claim 28 does not. However, in the Office

addressed the limitations of Claim 28; therefore the limitations of Claim 34 that are different from Claim 28 have not been addressed. A new non-Final Action distinctly addressing each and every claim limitation is respectfully requested.

Independent Claims 6, 12, 28 and 34 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 7-11, 13-22, 29-33 and 35-44, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of Claims 6-22 and 28-44 is earnestly solicited.

Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

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